

REMARKS

Reconsideration of the captioned application as amended herewith is respectfully requested.

This Response is responsive to the Decision, which:

- (1) Affirmed the rejection of claims 6 and 7 under 35 USC §112, second paragraph, as alleged lacking antecedent basis; and
- (2) Affirmed the rejection of claims 1 – 10, 14, and 15 under 35 USC 103(a) as being unpatentable over United States Patent No. 3,939,836 to Tunc ("Tunc").

Claims 1 – 8 and 11 were amended to highlight the ointment form of the present invention. New claim 17 was added to highlight a patentable feature of the present invention. Support for this amendment may be found in the Specification as originally filed at, for example, page 2, lines 29 – 32, page 3, lines 12 – 14, page 5, lines 15 – 18, Example 5 and the claims as originally filed, and as such this amendment does not introduce new matter into the application.

Applicants submitted an Amendment After Appeal on 8 November 2004 in which claims 6 and 7 were amended. Based upon the affirmation of the rejection of claims 6 and 7 under 35 USC §112, second paragraph, in the Decision, it is not clear as to whether or not this Amendment was considered. For avoidance of doubt, Applicants once again amended claims 6 and 7 herein to correct the inadvertent spelling error of "saccharine" to "saccharide." In view of this amendment, Applicants respectfully submit that the rejection of claims 6 and 7 under 35 USC §112, second paragraph, as alleged lacking antecedent basis has been overcome and should be withdrawn.

Applicants further amended claims 11 and 12 to remove the multiple dependencies therein.

Claims 1 – 15 and 17 remain pending in this case upon entry of this Response.

**I. The rejection of claims 1 – 10, 14 and 15 under 35 USC §103(a)
unpatentable over Tunc should be withdrawn.**

Claims 1 – 10, 14, and 15 stand rejected under 35 USC §103(a), as being allegedly unpatentable over Tunc. Applicants respectfully disagree for the reasons that follow.

Claim 1 as presently clarified herein is directed to an "ointment." By contrast, Tunc is directed to a "nonwoven fabric comprising one or more layers of overlapping, intersecting fibers and... an alkali salt of a sulfated cellulose ester. See Tunc Abstract (emphasis added).

The Office Action has failed to show where Tunc discloses or suggests an "ointment" as presently claimed in claim 1. Therefore, Applicants respectfully submit that that the rejection of independent claim 1, and claims 2 – 8, 14, and 15 which are dependent thereon, under 35 USC §103 as being unpatentable over Tunc has been overcome and should be withdrawn.

Claims 9 and 10, which are now dependent upon new independent claim 17 and include all of its limitation therein, are directed to wound dressings "comprising a synthetic sulfated polysaccharide, wherein the sulfated polysaccharide is selected from the group consisting of sulfated hydroxyethyl cellulose, sulfated carboxymethyl cellulose and sulfated oxidized regenerated cellulose." (emphasis added) By contrast, Tunc discloses "an alkali salt of a sulfated cellulose ester." See Tunc, Abstract. Because the Decision fails to show where Tunc discloses or suggest the use of these particular "sulfated hydroxyethyl cellulose, sulfated carboxymethyl cellulose and sulfated oxidized regenerated cellulose" components, Applicants respectfully submit that that the rejection of claims 9 and 10 under 35 USC §103 as being unpatentable over Tunc has been overcome and should be withdrawn.

Conclusion

It is submitted that the foregoing remarks place the case in condition for allowance. A notice to that effect is earnestly solicited.

Respectfully submitted,
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